

**ASSEMBLY BILL**

**No. 2128**

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**Introduced by Assembly Member Emmerson**

February 20, 2008

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An act to add Section 1265.4 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as introduced, Emmerson. Health facilities: dietitians.

Under existing law, the State Department of Public Health licenses and regulates health care facilities.

This bill would require that specified health facilities who employ a registered dietitian less than full time also employ a full-time dietetic services supervisor. The dietetic services supervisor would be required to consult with and be supervised by the dietitian and meet educational requirements, as specified. This bill would exempt from the education requirements any individual who has been working full time as a dietetic services supervisor in a health facility for 5 years or more when the bill becomes operative.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1265.4 is added to the Health and Safety Code, to read:

1265.4. (a) Any licensed health facility, as defined in subdivision (a), (b), (c), (d), (f), or (k) of Section 1250, that employs a registered dietitian less than full time, shall also employ a full-time dietetic services supervisor who meets the requirements of subdivision (b) to supervise food service operations. The dietetic services supervisor shall be supervised by, and have access to frequent consultations with, the registered dietitian, as required by federal law.

(b) The dietetic services supervisor shall have completed at least one of the following educational requirements:

(1) Educational requirements necessary for a registered dietitian.

(2) A baccalaureate degree with major studies in food and nutrition, dietetics, or food management and has one year in the dietetic service of a licensed health facility.

(3) A graduate of a dietetic technician training program approved by the American Dietetic Association.

(4) A graduate of a dietary services manager training program provided by a college, university, or a vocational or adult education program and approved by the Dietary Managers Association.

(5) A graduate of a state approved program provided by a college, university, or a vocational or adult education program that provides 90 or more hours of classroom instruction in food service supervision.

(6) Received training experience in food service supervision and management in the military equivalent in content to paragraph (3), (4), or (5).

(c) Any individual who has at least five years experience prior to January 1, 2009, as a dietetic services supervisor in a health facility specified in subdivision (a) shall be deemed to have met the educational requirements required by subdivision (b).

(d) Vocational education programs may be approved by either the State Department of Public Health or the State Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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